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October 25, 2018

Via ECF

The Honorable Sarah Netburn  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *In Re Terrorist Attacks on September 11, 2001,*  
No. 03-md-1570-GBD-SN  
*Anthony Behette, et al. v. Kingdom of Saudi Arabia,*  
No. 18-cv-00538-GBD-SN

Dear Judge Netburn:

We represent the plaintiffs in the above-referenced *Behette* action. The *Behette* action was commenced by Short Form Complaint and made part of the MDL pursuant to the Court's Order of May 3, 2017 (ECF No. 3543), which has now been superseded by Your Honor's July 10, 2018 Amended Order Approving Notices to Conform, Short Form Complaints, and Notices of Amendment (ECF No. 4045).

We respectfully ask the Court to grant leave to amend the Short Form Complaint to add an additional plaintiff who is the estate representative of a deceased solatium claimant related to certain of the plaintiffs (i.e., the estate representative of an immediate family member who survived one of the September 11 victims but subsequently died). Both the July 10, 2018 and May 3, 2017 Orders appear to envision such claims, as they note that "[f]or deceased solatium claimants, a death certificate or sworn affidavit shall be requested to ensure that the claimant did not predecease the 9/11 victim." ECF No. 4045 at 2; ECF No. 3543 at 4.

However, the current form of Saudi Arabia Short Form Complaint (ECF No. 4045-2) appears to apply only to "the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks" or to "the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks" (and to personal injury plaintiffs), but not to plaintiffs who are the estate representatives of surviving immediate family members. See ECF No. 4045-2 ¶ 4.c. Similarly, the form of Short Form

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Complaint under the May 3, 2017 Order, which the *Behette* plaintiffs used, contains slightly different language to the same effect. See ECF No. 3545 ¶ 5.c.

Accordingly, we respectfully request permission to amend the Short Form Complaint in the above-referenced *Behette* action to add an additional plaintiff who is the estate representative of an immediate family member who survived the September 11 victim.

We thank the Court for its consideration of this request.

Respectfully,

*s/Robert A. O'Hare Jr.*

Robert A. O'Hare Jr.

cc: All Counsel (via ECF)